

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 24, 2016

Issue	Discussion Notes	Status
<p>1. Confirm the Technical Committee's Recommendation would not allow retail marijuana stores in Urban Centers. (Biethan)</p>	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed whether the Technical Committee's recommendation would allow retail marijuana stores in the Urban Centers as an allowed use, even if retaining 1,000 foot buffers would effectively preclude the siting of a store in those areas.</p> <p>(2/10) Commissioners were satisfied with the information provided and closed this item.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) The Technical Committee's recommendation is to not allow retail marijuana stores in the mixed use zones including Redmond's two Urban Centers. The Technical Committee's reasoning is that retail marijuana stores may detract from the Urban Centers by impacting nearby businesses; increasing the potential for marijuana use in public parks, trails and other public locations; and detracting from the vision of the urban centers as destinations that provide a comfortable atmosphere for a diversity of people. In addition, since no sites would be available in mixed use zones unless buffers are changed, having retail marijuana as an allowed use is confusing and unnecessary.</p> <p><b><u>Public Comment</u></b> Some commenters would prefer that retail marijuana stores are treated like other retail stores and allowed in mixed use and retail zones, while most commenters would prefer retail marijuana stores to be far away from heavily-trafficked areas or not located in Redmond at all.</p>	<p>Opened 1/20</p> <p>Closed 2/10</p>
<p>2. Is there information available regarding a change in unregulated (black market) marijuana sales? (Miller)</p>	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed whether the creation of a legal means to purchase marijuana has affected black market sales, especially to minors. Commissioners noted that marijuana sales outside of the state licensed system have been and remain illegal.</p> <p><b><u>Staff Response/Recommendation</u></b> <del>(1/22) Staff is checking with Redmond Police on this question and will provide more information prior the next Planning Commission meeting.</del></p> <p>(2/3) Staff is checking with Redmond Police on this question and will provide more information when it is available.</p>	<p>Opened 1/20</p>

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	<p><b><u>Public Comment</u></b></p> <p>Most of the public comments have emphasized potential access to marijuana for youth as a significant concern, and that youth currently obtain marijuana through illegal means and would continue to do so even if stores are allowed. Other commenters maintain that providing additional opportunity for retail marijuana stores to locate in Redmond would reduce the potential for people to obtain marijuana through illegal means.</p>	
<p>3. Why treat different parts of the Manufacturing Park zone differently? (Miller)</p>	<p><b><u>Planning Commission Discussion</u></b></p> <p>(1/20) Commissioners discussed whether it is appropriate to treat areas which are zoned the same (e.g. the Manufacturing Park zone) differently for different geographical locations.</p> <p>(2/10) Commissioners discussed the public comment received concerning the Manufacturing Park (MP) zone and the proposed overlay and the concerns expressed in these comments. Commissioners requested more detail on the distinctions between different parts of the MP zoned areas in Redmond. Commissioners also discussed the Washington Attorney General's Opinion regarding marijuana uses and a City's police powers.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(1/22) Different areas in the city have different characteristics, and while zoning designations are applied to areas with similar general characteristics or that are intended for the same land uses and development pattern in accordance with Map LU-1 Comprehensive Land Use Plan in the Comprehensive Plan, this does not mean that all areas zoned the same are exactly the same.</p> <p>The City has evaluated and allowed some differences in allowed uses for various locations zoned Manufacturing Park (MP). Examples include:</p> <ul style="list-style-type: none"> <li>• In SE Redmond, overlay for property adjacent to Redmond Way to allow additional commercial uses and allowance for membership wholesale/retail warehouses provided specific regulations are met</li> <li>• In the Sammamish Valley neighborhood, allowance for auto sales in conjunction with repair or as stand-alone businesses on properties zoned MP with frontage on NE 90th Street between Willows Road and 152nd Avenue NE, NE 95th Street between Willows Road and 151st Avenue NE, and 151st Avenue NE between NE 90th Street and NE 95th Street</li> </ul> <p>In general, overlay zoning is used when there is a specific objective that isn't met by the conventional</p>	<p>Opened 1/20</p>

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	<p>zoning in that area. It includes mapped locations with provisions more or less permissive than the underlying zoning.</p> <p>Specific to retail marijuana stores and the Technical Committee's recommendation, the Sammamish Valley portion of the Manufacturing Park zone has different characteristics compared to the Southeast Redmond portion of the Manufacturing Park zone. These include different access, different size of parcels and buildings generally, and the number and proximity of uses which require a buffer for marijuana uses.</p> <p>(2/12) In addition to the previously provided information, the primary differences between the proposed Sammamish Valley Manufacturing Park Overlay and the portions of the MP zone in Southeast Redmond are as follows:</p> <ul style="list-style-type: none"><li>• Parcel size – For the Sammamish Valley area, individual buildings tend to be located on discrete parcels which tend to be smaller (with a couple of exceptions). These smaller parcels, in general, are owned by different entities. In Southeast Redmond, the parcel sizes tend to be larger with more business park/industrial park-type development, e.g. more buildings on larger parcels.</li><li>• Access – While access to both areas is difficult, especially at peak times, due to traffic volumes, the Sammamish Valley area is generally smaller and has simpler access; the primary access roads are NE 95<sup>th</sup> Street and 151<sup>st</sup> Avenue NE. NE 90<sup>th</sup> Street, at the southern boundary of the proposed overlay, is generally uncongested. In contrast, while the MP zoned areas of Southeast Redmond have more access points and a more substantial street grid, the primary access points at Union Hill Road and Redmond Way are more congested at all times of the day.</li><li>• Uses requiring a buffer – The proposed Sammamish Valley overlay has several uses which require a buffer surrounding it, but the buffers from these uses generally do not intrude into the area. In contrast, there are multiple daycares and Bear Creek Park and Ride in Southeast Redmond which, in combination, make much of the MP zoned areas of Southeast Redmond off-limits to licensed marijuana uses. Most of the available parcels are in the eastern portion, where the parcels are very large and occupied by land uses which are unlikely to support retail marijuana, such as a King County Metro Vanpool facility, proposed Costco, Fedex, and Genie.</li></ul> <p>Regarding police powers, there is ample case law concerning a City's exercise of its inherent police powers. As cited by the Attorney General Opinion, "a law is a reasonable regulation if it promotes</p>	

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	<p>public safety, health, or welfare and bears a reasonable and substantial relation to accomplishing the purpose pursued” (citing <i>Weden v. San Juan County</i>, 135 Wn.2d 678, 700). The state Supreme Court’s interpretation of “reasonable and substantial relation” encompasses the understanding that municipalities have wide latitude when enacting zoning ordinances. Retail marijuana stores are distinguishable from other retail uses, and the Technical Committee Report identified several factors and policies which distinguish the proposed zoning overlay from the entirety of the Manufacturing Park zone.</p> <p><b><u>Public Comment</u></b></p> <p>Many public comments have noted the proximity of large residential developments near the Manufacturing Park zone in Southeast Redmond. Some commenters questioned why allow certain retail uses and not others in Manufacturing Park zones.</p>	
<p>4. How could reduced buffers affect the number of properties potentially available in the Manufacturing Park zone? (O’Hara)</p>	<p><b><u>Planning Commission Discussion</u></b></p> <p>(1/20) Commissioners discussed whether reducing buffers for marijuana uses in the Manufacturing Park (MP) zone would allow more potential sites for retail marijuana stores. Commissioners were also interested in the number of potential sites at different buffer distances.</p> <p>(2/10) Commissioners discussed the number of properties potentially available under different buffer scenarios and how the current use of the properties can make the numbers misleading. Commissioners were satisfied with the information provided and closed this item.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(1/22) The number of potential parcels in the Manufacturing Park zone under different scenarios is as follows:</p> <ul style="list-style-type: none"> <li>• Technical Committee Recommendation: 57</li> <li>• 1,000 feet: 99 <ul style="list-style-type: none"> <li>○ 57 in the proposed overlay</li> <li>○ 18 in the remaining MP-zoned areas near Willows Rd.</li> <li>○ 24 in SE Redmond</li> </ul> </li> <li>• 750 feet: 122 <ul style="list-style-type: none"> <li>○ 58 in the proposed overlay</li> <li>○ 30 in the remaining MP-zoned areas near Willows Rd.</li> </ul> </li> </ul>	<p>Opened 1/20</p> <p>Closed 2/10</p>

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	<ul style="list-style-type: none"> <li>○ 34 in SE Redmond</li> <li>• 500 feet: 147               <ul style="list-style-type: none"> <li>○ 59 in the proposed overlay</li> <li>○ 38 in the remaining MP-zoned areas near Willows Rd.</li> <li>○ 50 in SE Redmond</li> </ul> </li> <li>• 250 feet: 173               <ul style="list-style-type: none"> <li>○ 60 in the proposed overlay</li> <li>○ 50 in the remaining MP-zoned areas near Willows Rd.</li> <li>○ 63 in SE Redmond</li> </ul> </li> <li>• 100 feet: 179               <ul style="list-style-type: none"> <li>○ 60 in the proposed overlay</li> <li>○ 53 the remaining MP-zoned areas near Willows Rd.</li> <li>○ 66 in SE Redmond</li> </ul> </li> </ul> <p>Maps showing the effect of reducing buffers will be available prior to next Planning Commission meeting.</p> <p><b><u>Public Comment</u></b> Most public comment is in favor of keeping buffers at 1,000 feet.</p>	
<p>5. Should the size of retail marijuana stores be restricted? (Biethan)</p>	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed the size of retail marijuana stores and whether it would be appropriate or necessary to place limits on store size. Different store sizes may affect parking requirements.</p> <p>(2/10) Commissioners closed this item without reaching a conclusion on this issue.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) The Technical Committee's recommendation is to establish a maximum Floor Area ratio (FAR) in a manner similar to that for any other allowed use in a zone. This is for consistency within the Zoning Code. As most stores in the area are between approximately 750 and 2,500 square feet, there appears to be a low likelihood of large stores opening in Redmond due to market conditions.</p> <p>Should the Commission desire, it is possible to place an outright restriction on the size of a retail</p>	<p>Opened 1/20</p> <p>Closed 2/10</p>

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	<p>marijuana store, separate from the FAR limit generally in place.</p> <p><b>Public Comment</b> No public comments have been received concerning this issue to date.</p>																	
6. Is a trip generation rate available for marijuana stores? (Miller)	<p><b>Planning Commission Discussion</b> (1/20) Commissioners asked if the Institute of Transportation Engineers (ITE) has determined vehicular trip generation rates for marijuana stores, and if that information could be provided.</p> <p>(2/10) Commissioners discussed whether other land uses with comparable or very high trip generation are present in Redmond.</p> <p><b>Staff Response/Recommendation</b> (1/22) Preliminary trip generation figures for marijuana stores indicate that trip generation rates are as follows:</p> <table><tr><td></td><td>Retail Marijuana</td><td>Pharmacy w/ Drive Thru</td><td>Specialty Retail</td></tr><tr><td>Daily</td><td>400</td><td>90</td><td>44</td></tr><tr><td>PM Peak Hour</td><td>63</td><td>11</td><td>5</td></tr><tr><td colspan="4">*All figures are per thousand square feet of building area</td></tr></table> <p>Staff cautions Commissioners that this is preliminary data based on a limited number of surveys conducted mostly in Colorado, and that Colorado’s legal environment concerning marijuana and land use is somewhat different than in Washington.</p> <p>(2/12) The land use with the highest mobility units per land use units (e.g. the highest transportation impact) under the City’s current transportation concurrency system is Convenience Market, with a rate of 45.37 MU per square foot. Mobility Units are not equivalent to PM Peak Hour vehicle trips, as the Mobility Unit rate takes into account non-motorized travel and makes adjustments for average trip length, among other things. Convenience stores tend to be small and have high turnover, making them a reasonable proxy for retail marijuana stores. The transportation impact fee for a new construction 1,000 square foot convenience store would be \$106,440, although if it were occupying an existing building it would get credit for the prior use.</p>		Retail Marijuana	Pharmacy w/ Drive Thru	Specialty Retail	Daily	400	90	44	PM Peak Hour	63	11	5	*All figures are per thousand square feet of building area				Opened 1/20
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	<p><b><u>Public Comment</u></b> Some public comments have expressed concern about high traffic volumes associated with retail marijuana stores.</p>	
<p>7. Should there be a separation between retail marijuana stores? (Miller)</p>	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed whether a separation requirement should be used to avoid creating a “marijuana district.” Separation could be used to disperse retail marijuana stores in order to minimize impacts. Commissioners also discussed whether other cities used separation requirements and asked staff to confirm the regulations for other cities.</p> <p>(2/10) Commissioners discussed the use of separation to avoid creating a “greenlight district” and noted that recommending separation could undermine the Technical Committee recommendation. Commissioners closed this item without reaching a conclusion on this issue.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) Separation could be generally useful for two reasons. The first is to disperse retail marijuana stores throughout the city, as opposed to concentrating them in one area. The second is to indirectly limit the number of stores by effectively reducing the available supply of potential sites.</p> <p>When the public workshop was held, available information indicated that the number of retail store licenses was potentially unlimited. Staff sought public perspective on separation primarily as a means to limit the number of retail stores indirectly, as an outright local limit on the number of stores may not have been feasible. When the state Liquor and Cannabis Board decided to increase Redmond’s retail license allocation to 4 instead of unlimited, this reduced the need to use separation as means to indirectly limit the number of stores.</p> <p>Other eastside cities require separation between stores. Issaquah requires 1,000 feet; this was done to effect dispersion of retail marijuana stores and as “future proofing” against increased state license allocations by indirectly limited the total number of stores possible to locate in Issaquah (the theoretical maximum is 5 or 6 stores with perfect distribution; the practical maximum is 3 or 4). Bellevue requires 1,000 feet separation and wrote specific language regarding procedures in the event of a conflict. Two stores desired to open on Main Street in downtown Bellevue within close proximity, and only one was</p>	<p>Opened 1/20</p> <p>Closed 2/10</p>

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	<p>permitted. Kirkland does not require separation. Seattle's recently updated regulations require 500 feet of separation between retail stores.</p> <p>In considering alternatives, requiring a separation may be counter to the objective of providing a particular area for potential retail marijuana stores. Alternatively, requiring a separation could support some amount of dispersal even in a particular geographic area.</p> <p><b><u>Public Comment</u></b> Some public comments have expressed support for requiring separation between stores. The survey results show that most survey respondents are in favor of separation.</p>	
<p>8. Is any data available concerning security incidents at retail stores? (Nichols)</p>	<p><b><u>Planning Commission Discussion</u></b> (1/20) The Commission discussed whether there is any data about break-ins, robberies, or other security incidents at retail marijuana stores. Commissioners suggested other eastside cities or Seattle may have data.</p> <p>(2/10) Commissioners closed this item.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) The Redmond Police Department indicates that in communicating with other law enforcement agencies in the Puget Sound region and state as a whole, there has not been a change in reported incidents. That is, retail marijuana stores do not report break-ins, robberies, or other criminal incidents at an abnormal rate compared to other retail businesses.</p> <p>Law enforcement agencies remain concerned that there is the potential for a larger number of unreported incidents; however no data would exist for unreported incidents.</p> <p>The City of Seattle publishes crime statistics on their website, <a href="http://www.seattle.gov/seattle-police-department/crime-data/crime-dashboard">http://www.seattle.gov/seattle-police-department/crime-data/crime-dashboard</a>. Seattle's overall data for property crimes shows that property crimes increased in 2014, when the first retail stores opened, compared to 2012, when marijuana was legalized. However, property crimes went down in 2015 compared to 2014. It is not possible to determine why property crime increased in from 2012-14, then decreased from 2014-15; legal marijuana may be one of many factors or it may be a major factor, but there is insufficient data to</p>	<p>Opened 1/20</p> <p>Closed 2/10</p>



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	<p>draw any conclusions.</p> <p>The state Liquor and Cannabis Board publishes lists of inspections of all licensed marijuana facilities including producers, processors, and retail stores, and also publishes a list of license violations and the general penalty (fine, written warning, etc.). These are available on their website, <a href="http://lcb.wa.gov/records/frequently-requested-lists">http://lcb.wa.gov/records/frequently-requested-lists</a>.</p> <p><b>Public Comment</b></p> <p>Some public comments have expressed concern about possible issues with crime associated with retail marijuana stores.</p>	
<p>9. What are the code requirements for bars and liquor stores? (Captain/Haverkamp via email)</p>	<p><b>Planning Commission Discussion</b></p> <p>(1/20) Commissioners discussed whether bars might have similar effects to retail marijuana stores on the surrounding area. Commissioners also discussed whether the zoning regulations for liquor stores may be useful when discussing retail marijuana.</p> <p>(2/10) Commissioners discussed the differences and similarities between marijuana smoke and cigarette smoke. Commissioners also discussed the enforcement responsibilities of law enforcement and code enforcement. Commissioners closed this issue.</p> <p><b>Staff Response/Recommendation</b></p> <p>(1/22) Bars and drinking places are allowed in mixed use and commercial zones. They are also allowed in the Manufacturing Park zone with some restrictions that include seating capacity limits, gross floor area limits, and limited hours of operation (6 am to midnight).</p> <p>Liquor stores are allowed in mixed use and commercial zones; they are not allowed in the Manufacturing Park zone. Liquor stores are considered General Sales or Service, and there are no additional restrictions on their location. State law requires that stores selling spirits must be a minimum of 10,000 sq. ft., except for former state and contract liquor stores.</p> <p>(2/2) In addition to the land use requirements above, alcohol can be consumed in a much wider variety of places, including in bars, restaurants, and clubs; in private homes including apartments; and at many sporting events. Marijuana may not be consumed in any of these situations except for private homes as</p>	<p>Opened 1/20</p> <p>Closed 2/10</p>

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	<p>it would violate the law prohibiting use “in view of the general public.” Residents in some multi-family buildings may be prohibited from smoking in their home.</p> <p><b><u>Public Comment</u></b> Some public comments speak in favor of treating retail marijuana stores like liquor stores with regard to zoning regulations.</p>	
<p>10. Highlight questions received through public comment. (Biethan)</p>	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed public comments received to date and would like responses to questions raised by public comments.</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) Questions from public comments, along with staff responses, are as follows:</p> <ul style="list-style-type: none"> <li>• <i>Q: Is the East Lake Sammamish Trail considered a park?</i> A: No. Rules adopted by the state Liquor and Cannabis Board specifically state that trails are not public parks.</li> <li>• <i>Q: Is Arena Sports (9040 Willows Rd.) considered a recreation center?</i> A: No. Rules adopted by the state Liquor and Cannabis Board specifically state that recreation centers must be owned by a government agency or a charitable non-profit.</li> <li>• <i>Q: How many medical marijuana dispensaries are in Redmond, and would any of them convert to a licensed retail marijuana store?</i> A: Redmond does not allow medical marijuana collective gardens or dispensaries. There are none operating in Redmond, and so none which may convert to a licensed retail marijuana store.</li> </ul> <p>(2/2) Additional questions from public comments:</p> <ul style="list-style-type: none"> <li>• <i>Q: Can Redmond ban retail marijuana stores and/or marijuana producers and processors?</i> A: Probably yes. The state Attorney General issued AGO Opinion 2014 No. 2 which opines that cities and counties may ban licensed marijuana facilities. While the Attorney General’s opinion is not binding on state courts, courts generally show deference to Attorney General Opinions. HB 2136, which made significant changes to state law concerning marijuana in 2015, implies that a ban is possible. No state appellate court has yet ruled on this issue.</li> <li>• <i>Q: What were the voting results for I-502 in Redmond?</i> A: The results in Redmond for I-502, which decriminalized marijuana and directed the state</li> </ul>	<p>Opened 1/20</p>

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	<p>Liquor and Cannabis Board to establish the licensed retail marijuana system in 2012, were approximately 58.8% Yes and 38.25% No. Planning Commission has received public testimony that indicates that while some voters specifically supported legal access for retail marijuana, other voters supported the measure to decriminalize use of marijuana rather than support location of stores nearby.</p> <ul style="list-style-type: none"> <li>Q: <i>Why is the state increasing the number of retail store licenses?</i> A: State law changes enacted in 2015 made a variety of changes to marijuana regulations in Washington. Included among these are changes to medical marijuana regulations. In effect, the state legislature has made commercial collective gardens (dispensaries) illegal. Since this will have the effect of impacting access to medical marijuana for qualified patients, the state legislature also directed the Liquor and Cannabis Board to increase the number of retail store licenses with the intent of maintaining access to medical marijuana.</li> </ul> <p>(2/19) Additional questions from public comments:</p> <ul style="list-style-type: none"> <li>Q: <i>What are the potential impacts to property values?</i> A: It is not possible to determine what effect, if any, retail marijuana stores may have on property values. Generally speaking, property values are determined by the King County Assessor using standard practices which aim to value property at its full market value. It is also important to note that property taxes in Washington are structured so that a particular taxing district (such as the City) will collect a certain total amount, limited by state law, and individual property assessments determine what share of that total amount each property owner is responsible for. Therefore, an increase or decrease in property values has no direct effect on City property tax revenues.</li> <li>Q: <i>If marijuana is still illegal under federal law, how and why are we considering this proposal?</i> A: Yes it is still illegal under Federal law however that is the responsibility of federal agencies and the United States Attorney. Redmond does not enforce Federal law and the City's powers to regulate land use and maintain public health and safety derive from the state constitution.</li> </ul> <p><b><u>Public Comment</u></b> N/A</p>	
11. What are the potential impacts of retail marijuana	<p><b><u>Planning Commission Discussion</u></b> (1/20) Commissioners discussed how Redmond's Urban Centers, in particular Downtown, have changed over the last decade and how this change and contributed to vibrancy. Commissioners discussed how</p>	<p>Opened 1/20  Closed 2/10</p>

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<p>stores on the Urban Centers that should be minimized? (O'Hara/Miller)</p>	<p>retail marijuana stores may impact the Urban Centers and the Technical Committee's rationale for its recommendation.</p> <p>(2/10) Commissioners discussed the need for more specifics regarding potential impacts and the desire of having quantifiable information about potential impacts. Commissioners also discussed the Comprehensive Plan policies regarding the Urban Centers. Commissioners noted that there may be a difference of opinion regarding the amount and interpretation of information provided. Commissioners closed this issue without reaching a conclusion on this issue.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(1/22) Retail marijuana stores would not be appropriate in the Urban Centers for several reasons. The Technical Committee Report identifies these reasons, which are summarized below:</p> <ul style="list-style-type: none"> <li>• The potential for retail marijuana stores to lead to increased public use on sidewalks, parks and other public places. Public comments have identified concerns about smoke from marijuana products in public places which could negatively impact people's enjoyment of and the vibrancy of the Urban Centers. Policy LU-51 speaks directly to this as it explicitly calls for creating "a comfortable atmosphere" in the Downtown Urban Center; marijuana smoke could detract from people's comfort when they are Downtown.</li> <li>• The potential for retail marijuana stores to require large amounts of parking given the characteristics of the business. Some areas in Redmond generally have a sufficient supply of parking, while other areas, in particular Downtown, are parking constrained. The high trip generation rates (even if those rates are only preliminary) for retail marijuana stores suggest high parking demand, especially during peak times. Since Downtown is parking constrained, ensuring a retail marijuana store would have a sufficient amount of parking could be difficult and generally in opposition to policies DT-3 and DT-11 which call for the establishment of a pedestrian-oriented environment and development which contributes to a comfortable feel for pedestrians.</li> <li>• The potential for retail marijuana stores to negatively impact neighboring businesses through factors including increased public use, traffic, and parking. These factors could cause a reduction in opportunity for businesses, or cause businesses to close or not come to the Urban Centers. Policies LU-38 and DT-27 speak directly to supporting the Urban Centers and Downtown especially as major retail and business areas and destinations and therefore supporting existing businesses and attracting new businesses compatible with the vision to</li> </ul>	

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	<p>these areas.</p> <p>In addition, considering policies LU-47 and LU-62, the Technical Committee Report notes “retail and other uses ‘that may have some adverse impacts’ and/or ‘are better suited for locations outside of the Downtown or Overlake’ Urban Centers should be located in” the General Commercial (GC) and Manufacturing Park (MP) zones. Taken together, the preceding factors combined with the policy language for the GC and MP zones indicate that allowing retail marijuana stores in the Urban Centers could result in impacts that Comprehensive Plan policies indicate should be avoided while providing a method of accommodating those uses which, while not appropriate for the Urban Centers, are still legal uses and/or should be accommodated in Redmond, and identifies the GC and MP zones as potential areas where those uses might be more appropriate.</p> <p><b><u>Public Comment</u></b></p> <p>Public comments have expressed concern about the visibility of retail marijuana stores if located in the Downtown which families frequent which could make the stores more attractive and interesting to youth. Comments have also noted the potential impacts of retail marijuana stores on neighboring businesses, citing specific examples in Kirkland and the Factoria area of Bellevue. Other comments have noted the strict safety and security requirements imposed by the state on store licensees.</p>	
12. Provide details of the housekeeping amendments for production and processing. (Biethan)	<p><b><u>Planning Commission Discussion</u></b></p> <p>(1/20) Commissioners discussed the housekeeping amendments and asked that they be specifically identified since they are not part of the Technical Committee Report.</p> <p>(2/10) Commissioners were satisfied with the information provided and closed this item.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(1/22) Redmond’s current regulations regarding marijuana are from ordinance 2744. Due to an oversight, the Comprehensive Use Chart (RZC 21.04.030) was updated to show the zones where marijuana uses are allowed, but the individual use charts for the various zones (in RZC 21.06 through 21.14) were not updated. Therefore a conflict exists in the Zoning Code since the Comprehensive Use Chart shows that marijuana uses are permitted, but no specific standards are set in the individual zones.</p> <p>The following sections would be updated:</p>	Opened 1/20  Closed 2/10

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	<p>Marijuana production – Agriculture use</p> <ul style="list-style-type: none"> <li>• Table 21.06.010B – Urban Recreation (UR) zone</li> </ul> <p>Marijuana processing – Manufacturing and Wholesale Trade use</p> <ul style="list-style-type: none"> <li>• Table 21.12.210A – Overlake Business and Advanced Technology (OBAT) zone</li> <li>• Table 21.13.030A – Regional Retail (RR) zone</li> <li>• Table 21.14.030B – Business Park (BP) zone</li> <li>• Table 21.14.040C – Manufacturing Park (MP) zone</li> </ul> <p>NOTE: In addition to changes to allow marijuana retail sales in the Samm Valley Overlay)</p> <ul style="list-style-type: none"> <li>• Table 21.14.050C – Industrial (I) zone</li> </ul> <p>Specific text amendments to the RZC will be distributed prior to the public hearing and next study session.</p> <p><b><u>Public Comment</u></b></p> <p>No public comments have been received concerning this issue to date.</p>	
<p>13. What if a use requiring a buffer moves in after a store opens? What does the state law say? (Miller/ Haverkamp via email)</p>	<p><b><u>Planning Commission Discussion</u></b></p> <p>(1/20) Commissioners discussed the procedure if a retail marijuana store opens in a compliant location, and then later a use requiring a buffer (a daycare, for example) opens within the buffer distance. Commissioners also requested to see the text of the state law concerning buffers.</p> <p>(2/10) Commissioners were satisfied with the information provided and closed this issue.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(1/22) If a licensed marijuana facility is sited in accordance with state and local regulations when it opens, and then later a use which would make that site non-compliant opens, the licensed marijuana facility would be “grandfathered” in at its current location. This would be similar to a non-conforming use. Redmond could specifically provide for this in the Zoning Code for clarity. Other cities have provisions in their codes regarding this situation.</p> <p>The state law concerning buffers is contained in RCW 69.50.331 and is as follows: (8)(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board</p>	<p>Opened 1/20</p> <p>Closed 2/10</p>

## Retail Marijuana Amendments

Planning Commission Issues Matrix for February 24, 2016

Issue	Discussion Notes	Status
	<p>may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.</p> <p>(b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.</p> <p>(c) A city, county, or town may permit the licensing of research premises allowed under RCW <a href="#">69.50.372</a> within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.</p> <p>(d) The state liquor and cannabis board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within one thousand feet but not less than one hundred feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:</p> <ul style="list-style-type: none"> <li>(i) Meets a security standard exceeding that which applies to marijuana producer, processor, or retailer licensees;</li> <li>(ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and</li> <li>(iii) Bears no advertising or signage indicating that it is a marijuana research facility.</li> </ul> <p><b><u>Public Comment</u></b> No public comments have been received concerning this issue to date.</p>	
14. Would allowing this retail use in the Manufacturing Park zone potentially require the City to allow other retail	<p><b><u>Planning Commission Discussion</u></b></p> <p>(1/20) Commissioners discussed whether allowing a particular retail use in the Manufacturing Park (MP) zone could potentially either require the city to allow others, or would set precedent for allowing further retail uses.</p> <p>(2/10) Commissioners discussed whether retail marijuana use is an appropriate retail use in the MP</p>	Opened 1/21

**Retail Marijuana Amendments***Planning Commission Issues Matrix for February 24, 2016*

Issue	Discussion Notes	Status
uses as well? (Haverkamp via email)	<p>zone, and the potential impacts of retail marijuana on other retail uses already allowed in the MP zone (see item #25).</p> <p><b><u>Staff Response/Recommendation</u></b> (1/22) Regarding the legal issue, in general the City has authority under its inherent zoning powers to regulate where land uses locate within the City, so it is not likely there is an issue with other retail uses seeking to locate in the Manufacturing Park zone, even if the City were to allow retail marijuana stores to locate there. RCW 35A.63.100 provides specific authority under state law for cities to adopt zoning regulations. Article XI, Section 11 of the state constitution also provides that cities have broad police powers, which are generally regarded to include the power to enact zoning.</p> <p>Redmond allows some limited retail uses in the Manufacturing Park zone today. The allowed uses are designed to provide services in the immediate vicinity of Redmond's manufacturing and employment areas. For example, professional services are "Limited to research and development services and other uses that support another permitted use in the MP zone." As previously noted, bars are also allowed but are restricted in size and scale. The Technical Committee analyzed whether allowing retail marijuana stores would have an impact on the availability of space for the uses primarily envisioned in the Manufacturing Park zone and determined that the probable maximum amount of area is approximately 10,000 square feet, which is not considered to be a significant impact.</p> <p>(2/10) See item #25.</p> <p><b><u>Public Comment</u></b> Several public comments have noted that the City has historically not supported the expansion of retail uses in the Manufacturing Park zone, and that making a special allowance for retail marijuana is unfair.</p>	
15. Public Notice (Miller)	<p><b><u>Planning Commission Discussion</u></b> (1/27) Commissioners asked if appropriate public notice has been provided for this proposed amendment.</p> <p>(2/10) Commissioners were satisfied with the information provided and closed this item.</p> <p><b><u>Staff Response/Recommendation</u></b></p>	Opened 1/27  Closed 2/10



## Retail Marijuana Amendments

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Issue	Discussion Notes	Status
	<p>(2/2) The Type VI process for legislative actions (for Comprehensive Plan and Zoning Code Amendments) requires Notice of the Public Hearing with some specifics based on the type of application. Comprehensive Plan and Zoning Code text amendments require this notice be published in the newspaper. Zoning Map amendments have additional requirements for mailed notice of the public hearing if the application requires owner signatures under RZC 21.76.070.AF.4 Special Application Requirements for applications for Comprehensive Plan or Zoning Map amendments; these signatures were not required for this application. Mailed notice is required to all parties of record for the proposal, and notice was mailed to all parties of record.</p> <p>Staff sent a courtesy notice of the public hearing to property owners and tenants in the proposed Sammamish Valley Manufacturing Park Overlay. This notice was mailed on January 13, 2016, for the January 27 public hearing.</p> <p>In addition, staff used several other approaches to inform people about the public hearing, including a press release, information on the City's web page and social media posts. In addition, the Redmond Reporter included an article on the topic with the hearing date.</p> <p><b><u>Public Comment</u></b></p> <p>Several public comments expressed concern about public notice for these proposed amendments, including the timing of the mailed notice to owners and tenants in the MP zone affected by the proposed zoning map amendments.</p>	
16. Use of anonymous online surveys (O'Hara via email)	<p><b><u>Planning Commission Discussion</u></b></p> <p>(1/29) Commissioners discussed the usefulness of anonymous online surveys since they are not statistically valid and are easily influenced by individuals and/or small groups repetitively voting. Commissioners asked what other survey methods may be considered in the future.</p> <p>(2/10) Commissioners discussed how the questionnaire does not provide a representative sample or statistically valid results, but still provides useful information. Commissioners closed this item without reaching a conclusion about this issue.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(2/2) The online survey contains useful data for Commissioners to consider, but it has limitations. The</p>	Opened 1/29  Closed 2/10

## Retail Marijuana Amendments

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Issue	Discussion Notes	Status
	<p>survey is not scientific, nor is it intended to represent a statistically valid sample.</p> <p>This survey collected 2,217 total responses, of which 1,619 were unique. The survey software used can help identify multiple responses from the same person in several ways. The survey software assigns a unique Network ID to each IP address. It also logs the date and time a person begins the survey and when they submit their survey responses. For this survey, a total of 1,619 Network IDs provided responses. 315 of the Networks IDs provided multiple responses, totaling 913 total responses. In some cases it is highly likely a single person is submitting multiple responses, as the responses are all within a short time period and are identical or substantially similar (for example, preferring large buffers, no marijuana stores, and separation). In other cases, however, the same Network ID provides very different responses over a wide time period. This could represent, for example, people using the computers at a library or using a public Wi-Fi network (at a coffee shop, City Hall, etc.) or people in a single household providing different perspectives. Staff will provide the full survey results including timing and Network IDs.</p> <p>It is possible to use a survey tool that requires respondents to provide their email or phone number and thereby, reduce the potential for multiple responses. A trade-off is that not all people are willing to provide this information and that people in a single household may use a single phone or email address and would not be able to all participate. Respondents could also provide a bogus email address or phone number.</p> <p>Statistically valid surveys can be useful when considering some subjects. For example, the City conducted a survey of park usage in the City in 2014 in support of early PARCC Plan update activities and for Park Impact Fee update purposes. However, the City would need to retain an outside company to conduct such a survey, and does not have available funding for this. There is also significant lead time required to conduct a survey and get the results. These factors make it difficult to use statistically valid surveys for most subjects.</p> <p>(2/9) When accounting for 1,619 unique responses, the overall survey results change slightly, by 2 or 3 percent.</p> <p><b><u>Public Comment</u></b></p> <p>Some public comment has highlighted the survey results as indicative of the community's views, while</p>	

## Retail Marijuana Amendments

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Issue	Discussion Notes	Status
	other comments have noted the limitations of the survey.	
17. What is the basis for considering an amendment? (O'Hara via email)	<p><b><u>Planning Commission Discussion</u></b></p> <p>(2/2) Do we as a city believe there is a need to change zoning to increase the opportunities for retail marijuana stores to locate in Redmond? If so, why? If no, why not?</p> <p>(2/10) Commissioners discussed the original application by The Grass is Always Greener, the impact of public comment, and I-502 results. Commissioners also discussed whether it is fair to exclude a legal business from the City, and noted that the 2015 state law changes also eliminated the previous medical marijuana collective garden/dispensary system. Commissioners discussed buffers from trails.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(2/3) The Technical Committee's overall objectives when considering the proposed amendments included:</p> <ul style="list-style-type: none"><li>• Allow for retail marijuana stores to locate in Redmond.</li><li>• Minimize potential impacts from retail marijuana stores.</li><li>• Maintain the vibrancy of the Urban Centers.</li><li>• Address public safety concerns.</li></ul> <p>The significant public testimony on this issue generally shows that this question could be a starting point for discussion. There are many factors to consider when determining whether Redmond should revise its policies and/or zoning to increase the opportunities for retail marijuana stores to locate in the City, including but not limited to Redmond's vision, Comprehensive Plan policies, access to marijuana, and public safety concerns.</p> <p>(2/10) Please see item #21 for a discussion of gauging public opinion and the ballot title for I-502.</p> <p>Redmond has never allowed medical marijuana collective gardens and none operate in the City.</p> <p>Please see item #26 for a discussion about buffers from trails.</p> <p><b><u>Public Comment</u></b></p> <p>Public testimony at the public hearing was primarily against allowing retail marijuana stores in</p>	Opened 2/2

## Retail Marijuana Amendments

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Issue	Discussion Notes	Status
	<p>Redmond, with a minority in favor. Public comment via email has also been primarily against allowing retail marijuana stores, with a minority in favor. Comments have noted the proximity of stores in Bellevue, Kirkland, and Issaquah as well as the potential negative effects of retail marijuana stores. Comments have also noted that retail marijuana stores are allowed under state law and the proponents intend to operate in conformance with all laws and rules. Some comments from property owners in or near the proposed MP zoning overlay have questioned whether the area is suitable for retail marijuana uses, or for retail uses generally due to peak traffic volumes, lack of parking, and presence of youth-friendly businesses such as Arena Sports. Comments have also noted the City has historically not allowed many retail uses in the Manufacturing Park zone, and allowing retail marijuana stores in the Manufacturing Park zone may be unfair.</p>	
<p>18. Availability of illegal marijuana (Biethan via email per Councilmember Myers letter)</p>	<p><b><u>Planning Commission Discussion</u></b> (2/5) Could legal marijuana stores reduce demand for illegal marijuana?</p> <p><b><u>Staff Response/Recommendation</u></b> <del>(2/5) To be added.</del> (2/9) Staff is checking with Redmond Police on this question and will provide more information when it is available.</p> <p><b><u>Public Comment</u></b> To be summarized.</p>	<p>Opened 2/5</p>
<p>19. City legal options (Biethan via email per Councilmember Myers letter)</p>	<p><b><u>Planning Commission Discussion</u></b> (2/5) What can the City do legally with regard to retail marijuana stores? Are up-to-date maps illustrating state minimum buffers and buffered facilities available?</p> <p><b><u>Staff Response/Recommendation</u></b> (2/9) The City has the authority to enact reasonable zoning regulations consistent with state law. This includes the ability to allow or not allow retail marijuana stores, or any other land use, in particular zones, and the ability to set development standards such as height limits, parking requirements, setbacks, etc. Generally speaking, the City may also not allow a particular land use including retail marijuana stores.</p>	<p>Opened 2/5</p>

## Retail Marijuana Amendments

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Issue	Discussion Notes	Status
	<p>State law sets some limitations on the location of licensed marijuana facilities including retail stores. For example, Liquor Control cannot issue a license to a marijuana facility if it is within 1,000 feet of a school, playground, daycare, libraries, etc., unless a city adopts an ordinance allowing for smaller buffers for some uses (playgrounds and schools are excepted). State law also mandates that licensed marijuana facilities may not be in private homes or other places where law enforcement access is limited.</p> <p>Maps showing all uses in Redmond and vicinity which require a buffer, as well as parcels which could potentially accommodate marijuana uses under different buffer scenarios, are available at <a href="http://www.redmond.gov/marijuana">www.redmond.gov/marijuana</a>.</p> <p><b>Public Comment</b> Some comments have asked for the City to ban retail marijuana stores, or to ban all licensed marijuana facilities. Other comments have noted licensed marijuana facilities are legal under state law and the City should accommodate these legal uses.</p>	
<p>20. Other cities' experiences (Biethan via email per Councilmember Myers letter)</p>	<p><b>Planning Commission Discussion</b> (2/5) What are other cities experiences with licensed marijuana facilities, including for production and processing in addition to retailing? Specifically focus on crime, traffic, and impacts to neighboring businesses.</p> <p><b>Staff Response/Recommendation</b> (2/9) Information is presently available regarding marijuana facilities in Issaquah and on the marijuana testing lab in Redmond. Information on facilities in other cities will be added as available.</p> <p>There are currently no licensed marijuana facilities (producer, processor, or retailer) in Redmond, however Redmond has one marijuana testing lab located on NE 95<sup>th</sup> Street in the Manufacturing Park zone. This facility tests marijuana products for compliance with state rules and does not produce, process, or sell marijuana. No complaints regarding this facility have been made to the City. This facility operates similar to any other laboratory type land use and does not have a noticeable parking or traffic impact.</p> <p>Issaquah has one retail marijuana store and no producers or processors. Issaquah also has one medical</p>	<p>Opened 2/5</p>

## Retail Marijuana Amendments

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Issue	Discussion Notes	Status
	<p>marijuana facility and formerly had two others; only two medical marijuana facilities were open at the same time. The retail marijuana store is located in a manufacturing/industrial area north of I-90 near East Lake Sammamish Parkway, and occupies the second floor of a two story, 8,000 square foot building. The site has 21 parking spaces, and additional street parking is available. A medical marijuana facility formerly occupied the first floor.</p> <p>Regarding parking, there is occasionally some parking spillover onto the street at peak times, however this has not impacted the neighboring businesses as peak times which typically occur after other businesses have closed for the day.</p> <p>Regarding traffic, there is minimal traffic in this area and the increase from the retail marijuana store has not created an impact. Since the building was entirely vacant prior to the marijuana facilities occupying the building, traffic has increased compared to before the marijuana facilities arrived, but is within the range contemplated by the original permits for the building.</p> <p>The medical marijuana facility had some odor impacts to neighboring businesses because this facility had live plants on site (these were small plants for collective garden members, not active production plants) and also did some processing activities on site. Since the medical marijuana facility has closed, the odor impacts are no longer present. The retail marijuana store has only finished products on site, and these are packaged in accordance with state rules.</p> <p>Neither the medical marijuana facility nor the retail marijuana store have been broken into. Both facilities had/have extensive security measures including locked doors, cameras, and ID checks, and Issaquah Police work closely with the proprietors to ensure adequate security and safety. Issaquah Police indicate that loitering and public consumption is not an issue at and near the retail marijuana store.</p> <p>(2/19) Staff is awaiting a detailed response from Bellevue and Kirkland regarding their experiences with retail marijuana. Kirkland has indicated no major issues in general, without specifics.</p> <p><b>Public Comment</b> Comments have noted that there are several stores on the Eastside including in Bellevue, Kirkland, and Issaquah.</p>	

**Retail Marijuana Amendments***Planning Commission Issues Matrix for February 24, 2016*

Issue	Discussion Notes	Status
21. Public opinion (Biethan via email per Councilmember Myers letter)	<p><b><u>Planning Commission Discussion</u></b> (2/5) What do Redmond citizens want? Is a statistically valid measure available?</p> <p><b><u>Staff Response/Recommendation</u></b> (2/9) The vote on I-502 was in November 2012, over 3 years ago, and involved multiple related issues in the same ballot measure. As previously noted under item #10, public testimony (see below) has indicated various reasons for voting for or against I-502. For reference, the ballot title read as follows:</p> <p>Initiative Measure No. 502 concerns marijuana.</p> <p>This measure would license and regulate marijuana production, distribution, and possession for persons over twenty-one; remove state-law criminal and civil penalties for activities that it authorizes; tax marijuana sales; and earmark marijuana-related revenues.</p> <p>Should this measure be enacted into law?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>The Official Ballot Title and Explanatory Statement were written by the Attorney General as required by law.</p> <p>The online survey/questionnaire is not a statistically valid survey, however it provides useful information on the respondents' views. After adjusting for unique responses, the results are still overwhelming in favor of large buffers, no retail stores, and separation.</p> <p>As noted in item #16, it is possible to conduct a statistically valid survey which could provide a snapshot of what Redmond citizens want, depending on how survey questions are phrased. However the cost and logistics of doing so are prohibitive.</p> <p>The significant public comment on this issue, while not necessarily representative, also provides useful information on peoples' views regarding this issue similar to the responses to the online survey/questionnaire.</p>	Opened 2/5

## Retail Marijuana Amendments

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Issue	Discussion Notes	Status
	<p><b><u>Public Comment</u></b>  Planning Commission has received public testimony that indicates that while some voters specifically supported legal access for retail marijuana, other voters supported the measure to decriminalize use of marijuana rather than support location of stores nearby. Some comments have highlighted the survey/questionnaire results as indicative of the community's views, while other comments have noted its limitations.</p>	
22. Siting of marijuana uses (Biethan via email per Councilmember Myers letter)	<p><b><u>Planning Commission Discussion</u></b>  (2/5) What are the potential impacts of siting marijuana facilities in various areas of the city? Does it make sense to exclude or centralize marijuana uses in particular areas? What are the potential impacts of concentrating these facilities in one area?</p> <p><b><u>Staff Response/Recommendation</u></b>  (2/9) The Technical Committee Report discusses the potential impacts to siting retail marijuana stores in various areas of the city, but does not address marijuana production or processing facilities. The potential impacts from retail marijuana stores include traffic, parking, crime and security, and public use. These potential impacts could occur regardless of where in the city a retail marijuana store is located, but whether these impacts are significant or not varies as different parts of the city have different characteristics.</p> <p>Marijuana processing facilities are generally similar to other manufacturing uses, with minimal or no public visibility. Odor is a potential impact, although this is being addressed through revisions to state building codes.</p> <p>In general, concentrating marijuana facilities in one area could concentrate the potential impacts. This could have a greater potential impact on this area, while minimizing or eliminating potential impacts in other areas. Conversely, separating (or dispersing) marijuana facilities to different areas could spread out the potential impacts.</p> <p><b><u>Public Comment</u></b>  Some comments have discussed how retail marijuana stores are or are not appropriate in different areas of the city, including Downtown, the proposed zoning overlay, the Manufacturing Park zone in</p>	Opened 2/5



## Retail Marijuana Amendments

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Issue	Discussion Notes	Status
	general, and Southeast Redmond.	
23. Demand for marijuana (Biethan via email per Councilmember Myers letter)	<p><b><u>Planning Commission Discussion</u></b> (2/5) What is the documented demand for marijuana and marijuana products among Redmond residents?</p> <p><b><u>Staff Response/Recommendation</u></b> (2/9) Demand for marijuana is difficult to determine due to a lack of available data and limitations on the data that exists. For example, prior to the opening of retail marijuana stores, the only marijuana legally obtainable (under state law) was medical marijuana, and this was only available to people holding a medical marijuana authorization. Under state laws regarding medical marijuana, there was no tracking of overall production or amounts dispensed, and so it was not possible to determine the demand for medical marijuana (and remains not possible at this time). In addition home growing for medical patients was and remains legal, further limiting the possibility of determining demand for medical marijuana. Furthermore it is widely acknowledged, although precise data is not available, that abuse of medical marijuana authorizations occurs which enables people who are not necessarily in need of medical marijuana to obtain it for recreational purposes. This effect would further distort any attempt to gauge the demand for medical marijuana.</p> <p>Since the opening of retail marijuana stores, the state Liquor and Cannabis Board publishes sales data on their website <a href="http://lcb.wa.gov/marijuana/dashboard">http://lcb.wa.gov/marijuana/dashboard</a>, and also makes individual store sales data available. While this information could be useful, it is not connected to who is purchasing marijuana, where purchasers live, or how much a representative individual is purchasing. As such it is impossible to disaggregate demand for recreational marijuana via retail stores down to the city level. Furthermore, the uneven distribution of retail store locations in the state, combined with sales to tourists, makes it difficult to draw conclusions about demand on a statewide basis. The Liquor and Cannabis Board commissioned several studies (the "BOTEC Reports") to estimate the statewide demand for marijuana, among other things, but the studies also noted there is "enormous uncertainty." The reports are available at <a href="http://lcb.wa.gov/marijuana/botec_reports">http://lcb.wa.gov/marijuana/botec_reports</a>.</p> <p><b><u>Public Comment</u></b> Some comments have asserted a low demand for marijuana in Redmond. Other comments have noted that the demand is not relevant and marijuana is available from stores in neighboring cities.</p>	Opened 2/5

## **Retail Marijuana Amendments**

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<b>Issue</b>	<b>Discussion Notes</b>	<b>Status</b>
24. Pace of potential changes (Biethan via email per Councilmember Myers letter)	<p><b><u>Planning Commission Discussion</u></b> (2/5) What is the appropriate pace for increased opportunities for marijuana retail in Redmond in thinking about current conditions and future growth in the city?</p> <p><b><u>Staff Response/Recommendation</u></b> (2/9) There are many factors to consider when discussing what may be an appropriate pace for increased opportunities for retail marijuana in Redmond. The pace and planning for future growth is one such factor, along with state law, public input, and activities of neighboring cities, to name several.</p> <p>Redmond is projected to grow significantly over the next 15 years, with the majority of growth in the two Urban Centers. The 2030 targets are 78,000 people and 119,000 jobs, compared to 59,180 people and approximately 84,000 jobs today.</p> <p>One of the primary considerations when contemplating if there are any suitable locations in Redmond for retail marijuana stores involves the interaction of Redmond's zoning with uses that require a buffer under state law. This can be visualized on the map posted on the city's website at <a href="http://www.redmond.gov/common/pages/UserFile.aspx?fileId=177537">http://www.redmond.gov/common/pages/UserFile.aspx?fileId=177537</a>. While land uses which require a buffer, especially private businesses such as daycares, will change somewhat over time, Redmond already has a significant number of these land uses spread throughout the City and especially concentrated in the Urban Centers. As the City grows over time, it is likely that additional land uses which require a buffer will emerge. This could further erode the potential areas where retail marijuana could locate.</p> <p><b><u>Public Comment</u></b> Some comments have asked the City to wait and gather additional information about marijuana and retail marijuana stores before making a decision.</p>	Opened 2/5
25. Retail uses in MP zone (Biethan/Miller)	<p><b><u>Planning Commission Discussion</u></b> (2/10) Commissioners discussed whether retail marijuana is an appropriate use in the Manufacturing Park (MP) zone, and what the impact of retail marijuana stores in the MP zone could be on other currently-allowed uses in the MP zone.</p>	Opened 2/10

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Issue	Discussion Notes	Status
	<p><b><u>Staff Response/Recommendation</u></b></p> <p>(2/12) Comprehensive Plan policy LU-62 for the Manufacturing Park (MP) zone calls for providing for “manufacturing and other uses that are better suited for locations outside of the Downtown or Overlake due to site requirements, noise impacts, transportation needs or other considerations.” It also calls for the use of “performance standards, permit conditions and critical areas regulations to protect the community and other uses within the Manufacturing Park designation.” These can be in conflict with each other to an extent, but there is a presumption that uses that could have adverse impacts in Downtown or Overlake should be sited in the MP zone, and additional regulations put in place to ensure these uses do not also impact other uses in the MP zone, to the extent possible.</p> <p><b><u>Public Comment</u></b></p> <p>Some comments have noted issues in the MP zone concerning traffic and parking as well as the proximity of private uses which are patronized by children including Arena Sports.</p>	
26. Trails (Haverkamp via email)	<p><b><u>Planning Commission Discussion</u></b></p> <p>(2/12) Commissioners asked for background on the definition of trails and whether they would or would not require a buffer.</p> <p><b><u>Staff Response/Recommendation</u></b></p> <p>(2/12) I-502 did not contain definitions for parks, daycares, schools, etc., leaving it up to the Liquor Control Board (LCB, now the Liquor and Cannabis Board) to enact rules to define these and other terms. LCB, like other state agencies, has a formal rulemaking process to add, change, or delete rules from the Washington Administrative Code (WAC). LCB’s initial rulemaking concerning licensed marijuana facilities occurred in 2013 (WAC 314-55). This chapter of the WAC has been updated in both 2014 and 2015. The definition of “public park” is in WAC 314-55-010 and reads “(21) “Public park” means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.”</p> <p>A history of rulemaking for WAC 314-55-010 (Definitions) at <a href="http://apps.leg.wa.gov/wac/registerfiling.aspx?cite=314-55-010">http://apps.leg.wa.gov/wac/registerfiling.aspx?cite=314-55-010</a>. The original definition adopted in 2013 omitted the last sentence about trails. This was changed in 2014 (see Proposed Original Notice 14-21-103 on the linked page above). This was done in response to questions and concerns about</p>	Opened 2/12

**Retail Marijuana Amendments**

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Issue	Discussion Notes	Status
	<p>whether trails were, in fact, parks or not. Many municipalities included trails among their parks, although there was (and is) a wide variety of trails. Trails range from heavily used ones such as the Burke Gilman Trail, Sammamish River Trail, or I-90 Trail to lesser-used ones such as the informal trails above DigiPen.</p> <p>While the LCB specifically excludes trails from their definition of public park, certain areas which are near or similar to a trail could fit in the definition of a park. For example, Redmond considers the downtown portion of the Redmond Central Connector to be a park, specifically the area between Leary Way and Bear Creek Parkway (the Signals art installation area) to be a park because it is an area where people congregate and has benches and other features to encourage people to stay and enjoy the area.</p> <p><b><u>Public Comment</u></b> Comments have noted the East Lake Sammamish Trail is heavily used by the community and by children.</p>	